

REMARKS

Applicants respectfully request reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1-17 and 23-25 are pending in the application. Claims 18-22 have been canceled without prejudice to or disclaimer of the subject matter recited therein. Claims 1, 8, 9, 13, 16, and 17 have been amended and claims 23-25 have been newly added. Support for the claim amendments and additions can be found in the original disclosure as filed. Therefore, no new matter has been added.

Allowable Subject Matter

Initially, Applicant acknowledges with appreciation the indication that claims 9-17 would be allowable if the word "corresponding" was replaced with --substantially axially parallel-- in lines 10 and 11 of claim 9. Independent claim 9 has been amended as suggested in the Office Action.

The Office Action also indicates that while claims 16 and 17 are objected to as depending from a rejected base claim, they would be allowable if rewritten in independent form including the features of the base claim and any intervening claims. Claims 16 and 17 have been rewritten in independent form, including the features of original independent claim 9 and the intervening claims.

Accordingly, claims 9-17 are in condition for allowance.

Claim Objection

In the Office Action, claim 19 was objected to for a minor informality. Claim 19 has been amended herein to attend to the noted informality.

Art Rejections

In the Office Action, claims 1-4, 8, and 18-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,314,160 (Larsen). Claims 1, 3-5, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,801,064 (Mangone, Jr.). Claims 1, 3-5, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,573,469 (Golden et al.). Claims 1, 3-5, and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 647,169 (Vogel). Claims 1-6 and 8 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 389,660 (Mandel et al.). Claims 1-4, 6, and 8-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 1,913,864 (Walper). Claims 6 and 7 were rejected under 35 U.S.C. § 103(a) as being obvious over any of Mandel et al., Vogel, Golden et al., Mangone, Jr., and Larsen in view of U.S. Patent No. 5,620,289 (Curry). These rejections are respectfully traversed. Nevertheless, without conceding the propriety of the rejections, independent claims 1 and 9 have been amended to even more clearly recite features of Applicant's invention.

Independent Claim 1, as presently presented, is directed to an apparatus for protecting and retaining a wire and recites, among other things, a molded body forming a passage adapted to receive the wire and retain the wire between the molded body and a mounting structure, the molded body being a single-piece body and being sufficiently strong to contact the wire and retain the wire in a desired position, and at least three substantially axially parallel apertures

through the single-piece molded body wherein at least one aperture is positioned on an opposite side of the passage from at least two apertures.

None of the cited documents disclose such features.

Larsen is directed to a wall hanger assembly having first and second hanger bodies joined together by a handle. The hanger bodies are each joined to the handle by a frangible connection (col. 2, lines 18-52). However, Larsen fails to disclose or suggest an apparatus for protecting and retaining a wire having "a molded body forming a passage adapted to receive the wire and retain the wire between the molded body and a mounting structure, the molded body being a single-piece body and being sufficiently strong to contact the wire and retain the wire in a desired position," as presently recited in claim 1. Rather, the wall hanger assembly of Larsen has a frangible connection, which is "constructed to permit ready separation of the handle 23 from the body" (col. 2, lines 41-47), and is not suitable for retaining a wire at all.

Mangone, Jr. is directed to a cable mounting clip having an integrally molded plastic housing, including a pair of bores disposed on opposite sides of a cable-receiving channel. A pair of nails is held in the bores for securing the clip to a support structure (col. 4, lines 11-22; FIG. 3). The clip includes interlocking means for engagement with another clip (col. 5, ln. 37-40). However, Mangone, Jr. fails to disclose or suggest "at least three substantially axially parallel apertures through the single-piece molded body wherein at least one aperture is positioned on an opposite side of the passage from at least two apertures," as presently recited in claim 1.

Golden et al. is directed to a two-piece tissue fastener having a generally U-shaped or open loop fastening member 60 and a receiver 62. The receiver 62 includes a pair of passages 76 for receiving legs 66 of the fastening member 60 and a pair of apertures 78, 80 disposed

perpendicular to the passages 76 (col. 5, lines 11-60; FIG. 4). However, Golden et al. also fails to disclose or suggest "at least three substantially axially parallel apertures through the single-piece molded body wherein at least one aperture is positioned on an opposite side of the passage from at least two apertures," as presently recited in claim 1.

Vogel, Mandel et al., and Walper are directed to a fastener for rods or pipes, a metallic fastener, and a clip for wall board packages, respectively. However, none of these documents discloses an apparatus having "a molded body forming a passage adapted to receive the wire and retain the wire between the molded body and a mounting structure," as presently recited in claim 1. Rather, the fasteners disclosed in each of these documents are disclosed as being made of metal, and are designed for fastening rods or pipes, fabric, and wall boards, respectively.

Accordingly, Applicants submit that claim 1 is allowable over the cited documents.

Independent claims 9, 16, and 17 are allowable for the reasons noted above in the section entitled Allowable Subject Matter.

Dependent claims 2-8, 10-15, and 23-25 are also allowable for the same reasons as the respective independent claims from which they depend, as well as for additional features that they recite. Curry was cited as allegedly teaching the features of dependent claims 6 and 7. However, Curry fails to remedy the deficiencies in the Mandel et al., Vogel, Golden et al., Mangone, Jr., and Larsen patents noted above with respect to independent claim 1 (assuming for the sake of argument that one skilled in the art would have even been motivated to combine the documents). Accordingly, the dependent claims are allowable for at least the same reasons as the independent claims from which they depend.

In addition, claims 8 and 13 recite "at least one of protruding grips and grooves positioned on outer edges of the molded body." None of the cited documents discloses such features of the present invention. Individual consideration of each dependent claim is requested.

Conclusion

For at least the foregoing reasons, claims 1-17 and 23-25 are in condition for allowance. Applicants respectfully request reconsideration and withdrawal of the objection and rejections, and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, the Examiner is requested to contact the undersigned attorney to resolve the issue.

Respectfully submitted,

Date: 8/2/05

By: 
 David A. Divine
 Lee & Hayes, PLLC
 Reg. No. 51,275
 (509) 324-9256 ext. 233